

Towards a Developmental Land Settlement

UNIVERSITY OF ALBERTA LIBRARY



0 1620 0328 2751

Introduction

The Indian and Metis people of the N.W.T. at a historic, week-long meeting at Fort Good Hope in June 1974, declared their continuing ownership of 450,000 square miles of traditional land and rejected land surrender in return for compensation as a land settlement mode. In so doing, they embraced an approach to settlement of native claims which is a radical departure from the tradition of dealing with the land rights of Indian people. They have rejected the notion that land settlement necessarily means the extinguishment rather than the preservation of rights.

We have chosen a land settlement approach which emphasizes the preservation and integrity of our culture as it evolves according to the exercise of choice on our part. We have chosen a land settlement approach which best meets the development needs of Indian people of the North and is therefore, we maintain, also an approach very much in the national interest.

Since the Fort Good Hope meeting, reaction to our approach has been mixed. Some have failed to take a hard look at what we are proposing and have not taken us seriously. Some, wedded to a development philosophy which we feel ignores the needs of distinct minority groups and regions, cannot appreciate an approach which accords such needs a primary importance.

In this paper, I would like to elaborate on the philosophy behind our claim because we feel, in the last analysis, the issue of the form a land settlement should take is one which is national in scope and relates to issues of national development that all Canadians must address.

The issue of the settlement of native land claims in the N.W.T. has achieved new prominence in the past two years.

(a) Because of the increased political consciousness and organization of the native people.

(b) Because of the increased pressure from outside initiated developments seeking to exploit northern resources -- chief among these is the Arctic Gas Pipeline.

I would like to enlarge on these two areas briefly.

The Necessity for Formalizing Indian Rights

The increasing political consciousness of Indian people has not been attained without opposition from other elements in northern and Canadian society, meagre government funding of native organizations notwithstanding.

This push to establish nationally defined organizations has been misappropriately labelled "racist" by some, but is essentially a very healthy phenomenon. In fact, racism typically mystifies and ignores essential differences between constituent groups in a society and, in doing so, prepares the way for the suppression of legitimate minority interests by those who hold power in the name of the majority.

A racist society is known by its works. The poor housing, health and economic situation of Canada's Indians is as good an indication of a racist society as an openly avowed policy of racial supremecism on the part of the federal government might be. This society has the means to solve these problems of resource allocation, but the will is the crucial element that has been lacking.

* Native organizations such as the Indian Brotherhood of the N.W.T. are based on the premise that equality is not granted, but must be demanded. Racial differences cannot be ignored, but must be clearly defined. Furthermore, that definition can be the only real basis on which appropriate solutions to the problems experienced by minority racial groups can be achieved.

* We see a land settlement as the means by which to define the native community of interest in the north, and not to obscure it. This is why we stress, in the land settlement model we have put forward, that formalization of our rights is our essential goal, rather than the extinguishment of those rights.

by James T. Wah - shee

President of the North West Territorial Indian Brotherhood

For too long, we have been dependent on the good graces of a paternalistic government for our welfare. The history of this relationship is well known and it has ill served our needs. Now we seek, through a land settlement, a resource base under our own control, which ensures our autonomy and our participation as equals in those decisions which affect our lives. We are convinced that these objectives cannot be reached with a land settlement that ultimately eliminates the very real distinction between native people and Canadian society in general.

Arctic Gas, Northern Development Policy, and the Land Settlement

Today, Canada is addressing the questions posed by Arctic Gas application to build a gas pipeline up the Mackenzie Valley from the Canadian Arctic and Alaska. There is a myopia which affects too many of those involved, which ignores questions not directly connected to this specific project, and which prevents very vital national and regional questions from being addressed.

Whether or not the proposed pipeline crosses Blackwater River at the environmentally optimum spot is hardly a significant focus for our attention until we have answered the big question: What should our overall northern development philosophy be? or perhaps: How important are regional development considerations when compared with national and even international development imperatives?

Surely, any rational, national development policy must take into account some measure of regional needs as part of the equation in choosing between development alternatives? In this regard, when native people of the north assert, "no major development before a land settlement," they are articulating two vital points. First of all, the rights of native people remain unrecognized by public policy, but never the less unextinguished. There can be no estimation of the impact of development on the native community until these rights have been effectively recognized and enshrined in some form of land settlement. The second point we are making is that the settlement of native land claims in the N.W.T. will itself be a vital statement of the needs of the region, without which no rational northern development policy can be established.

Indian people are used to having to react to specific proposals presented to them as if there were no other possible alternatives, and implicitly denying them their own right of initiative. What's more, Canada as a whole has gradually abdicated its right of initiative and is dangerously close, in the absence of a coherent national and regional development philosophy, to accepting a similar reactive role in development questions.

It would be 100 per cent accurate to say that had the Indian people of the north been given responsibility for designing the shape of northern development over the next 40 to 50 years, the last project they would ever have suggested would be the pipeline we are now forced to consider. It is extremely dishonest to maintain, as both our own federal government and Arctic Gas have done, that one argument for the pipeline is its beneficial impact on native people. As long as the Canadian government persists in supporting the pipeline application in principle, we may safely assume that federal government northern development philosophy (if such a coherent idea exists) allows no primary role to regional need.

But can we not go even further? There are many indications that for the country as a whole the pipeline would be a long way from the top of a list of development priorities based on national needs. This pipeline is not even a Canadian pipeline -- and the so-called Maple Leaf, wolf-in-sheep's clothing line, has yet to demonstrate that there is any urgent Canadian market that needs to be filled. The need for these projects does not stem from social expression, but rather from the internal investment imperative of a multi-national oil industry.

Thus, we have a situation where the shape of northern development is being determined purely as a reaction to one project initiative, without regard for alternative development possibilities. What is more ludicrous, we are placed in a position of reacting to a proposal which certainly cannot be justified in terms of regional benefit, and which is highly questionable in terms of national benefits.

FOREAL INSTITUTE

MAY 20 1976

24232

Pam: 325.3: (*440) WAH

In this climate that I have described,

(a) where native people are becoming aware of their situation, demanding recognition of their unique definition and needs, and demanding the right to initiate and control programs to meet their needs in their own way, and

(b) where the Arctic Gas application presents us with an unusual opportunity to define an appropriate northern development philosophy for Canada

the Indian people of the Northwest Territories are suggesting a model for the settlement of their land claims which is, ultimately, a development plan for the Mackenzie District and its native inhabitants.

What do we mean by Development

There is a debate which continues in Canada today over the meaning of development. An increasing number of economic historians, many of them drawing on the literature of countries in the southern hemisphere with lengthy colonial experience, now maintain that much of what has been touted as development in the hinterland regions (such as the N.W.T.) is in its regional impact on those areas quite the opposite. This contention is expressed most clearly in the following declaration of the Tanzania African National Union (TANU);

"Any action which does not increase the people's say in determining their own affairs or running their own lives is not development and retards them, even if the action brings them a little better health and a little more bread."

Indians in the N.W.T., and we suspect many other Canadians on the Canadian economic fringe, have been subject to a development philosophy which may have raised their material standards in some respects, but which, above all, has taken their independence in return. By no form of rational acrobatics can such a process pass by the name of development.

The socio-economic impact literature commissioned in the north recently, whether by government or industry, assumes that such impact is quantifiable and can be ameliorated and counter-balanced by outlays in the public sphere. Such contentions fly in the face of historical reality, and amount to the assertion that our independence can be bought! This sort of reasoning is implicit in government economic development policy extant in the North today.

In fact, when all the fog has cleared, the question of what form a settlement of native land claims in the N.W.T. should take, becomes a question of what development philosophy one adheres to.

A development philosophy which seeks to make of the hinterland and its people a mere dependency of the metropolis, will likely emphasize the sort of false compensatory approach I have mentioned above. We know what this kind of settlement contributed to the development objectives of our brothers and sisters to the south. We seek to avoid the same outcome in the north.

On the other hand, a development philosophy which seeks to attribute a real value to regionally-defined development needs, to development in the sense of increasing the self-determination and economic independence of a region, this sort of philosophy would favour a land settlement which emphasized not compensation, but control. Such control can only be achieved in the Canadian economy through the exercise of a substantial claim to the resources of a region, usually through the medium of ownership.

The Minister of Indian Affairs, in a statement on August 18, 1973, called for settlement of Indian and Inuit Claims in the following terms:

- (1) Full compliance with the spirit and terms of the Treaties.
- (2) Settlement of Claims based on Aboriginal title relating to "the loss of traditional use and occupancy of lands in certain parts of Canada where Indian Title was never extinguished by Treaty or superseded by law."

Presumably, Indian Claims in the N.W.T. fall within the ambit of the second category. However, the claim being put forward in the Territories is **not** based on the loss of traditional use, but rather the preservation and formal recognition of rights over lands which have been and continue to be used.

Once again, the philosophy of development implied in the Minister's statement writes off as insignificant a way of life which is very much alive and must form the basis of any of our future development efforts. We are not interested in compensation for loss of a way of life, but for the right and freedom to construct our own alternatives for development on the bedrock of our past. The destruction of our way of life in return for compensation, and a menial role for native people in outside-initiated development, by and

large irrelevant to our needs, cannot be assumed by the government, Gas Arctic, or any proposed settlement of our claims. The shape of northern development cannot be decided without the essential input of our people. Our claim to such a role rests both on our ownership of the land and on our rights as Canadians.

The process we have adopted in developing the details of our land settlement well exemplifies what we mean. Through a structure running from the Joint Community Land Claims Committee, involving both the Band Council and Metis Local in a settlement, through the Regional Land Claims committee, with representatives from every joint community committee in a region, finally to the Fourteen Member Negotiating Team of the Metis and Status people, we have ensured that the eventual land settlement will be rooted in the communities.

What we are asking of each community is that it record its present and past land use pattern, examine its economic development experience, and eventually draw from this material a picture of the economic future it wishes to see develop. This process is aided by our fieldworkers, resource people, and all the relevant information we can obtain.

This process, itself, is the beginning of our development efforts. For the first time, the development initiative is to emerge from Indian communities, and the land settlement proposed will be expected to preserve this possibility in the future.

This process is, in fact, well underway, and an initial definition of the type of settlement we are thinking of was agreed on by a meeting in June of this year by 250 persons in Fort Good Hope, representing both Metis and Status People from every community in the Mackenzie District. An emphasis on the retention of Indian Land and rejection of compensation was summed up in the slogan "Land not Money".

What of the Traditional Economy

I have already presented many of the reasons why we seek this form of settlement, but some of the initial results from our land use surveys speak more eloquently than any argument. What may appear on a Whiteman's map to be a roadless, uninhabited, wilderness, when inscribed with the activity patterns of our people, even a fraction of our people, becomes to all intents and purposes a tangle of lines and significant features, signs of thorough use and occupancy.

We have all learned much in this exercise of recording our people's biography on the land. We know we don't cluster about the settlements simply by choice. We know we have not given up our traditional activities because of the appeal of industrial life, as some consultants to the oil industry and government so glibly assume. We also suspect that were traditional activities accorded the same level of public support as, say, the mining industry in the N.W.T. receives, the argument that our people have forsaken that way of life would be put to rest.

As it is, today, in the absence of such public support, and in spite of massive government efforts to discourage traditional lifestyles and encourage the destructive sedentary lifestyle of settlement life, there appears to be a resurgence of traditional use underway. Communities are developing their own support systems to help their people get back on to the land. (e.g. Fort Good Hope, where the community used a small grant to support a return of 20 families to traditional resource areas they had been unable to visit in the last few years in the absence of such support.)

While we realize not all our people wish to return to a living on the land, there is a world of difference between economic development proposals based on our experience and those which involve merely fitting us into developments such as the pipeline. At one end of the spectrum are the choices we would make, **and intend to make**, for ourselves through the mechanism of a land settlement. At the other end of the spectrum are those projects unrelated to our needs, and in which we have been included as an inappropriate after-thought.

Conclusion

The land settlement model put forward by the Indian people of the North (and remember, in the N.W.T., we include all people of Indian descent in such a definition) is based on a developmental principle firmly rooted in the expressed needs of a region and distinct people. At this crucial time in Canadian history, we feel it represents an opportunity for this country to adopt a development policy which will more closely approximate regional and national interests than the policies implicit in choices in the past. Support us.

[illegible]

24232

Pam: 325.3:(*440) WAH

WAH-SHEE James T.

Towards a developmental land
settlement.

#24232

THE UNIVERSITY OF ALBERTA

Boreal Institute for Northern
Studies Library
CW 401 Bio Sci Bldg
The University of Alberta
Edmonton, AB Canada T6G 2E9

Boreal Institute for Northern
Studies Library
CW 401 Bio Sci Bldg
The University of Alberta
Edmonton, AB Canada T6G 2E9

University of Alberta Library



0 1620 0328 2751

POLAR
PAM
451

POLAR
PAM
451

5: